

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 10/765,473

REMARKS

Claims 1-10 and 12-16 are all the claims pending in the application. Claim 11 is canceled. Claims 1 and 10 are independent claims.

Applicant thanks the Examiner for returning the initialed PTO/SB/08 form that was submitted with the Information Disclosure Statement "(IDS)" filed January 28, 2004. However, the Examiner did not return the initialed PTO/SB/08 form for the IDS filed on March 1, 2004. The PTO's Pair web-site indicates that the IDS and PTO/SB/08 form filed on March 1, 2004 have been received by the PTO. Therefore, Applicant respectfully requests that the Examiner return an initialed copy of this PTO/SB/08 form.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner asserts that the word "changed" in claims 1 and 10, as used with respect to the bellows portions of a fuel transfer tube, is ambiguous. The Examiner has suggested that the term "changed" is replaced with the term "variable". In response, Applicant has amended claims 1 and 10 in the manner suggested by the Examiner. This amendment merely uses the Examiner's preferred language, but does not change the scope of subject matter claimed.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 5, 8-11, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coha (6,505,644) in view of Imaeda (2001-0003995).

As an initial matter, Applicant has amended independent claim 1 so that it recites that the fuel transfer tube is configured to be formed in bellows shape at a portion thereof, the fuel

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transfer tube being variable in accordance with the shape of the fuel tank. This amendment is fully support in the original specification at least by the exemplary embodiment shown in Fig. 1.

Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1 at least because there is no combination of Coha and Imaeda that would reasonably teach or suggest the claimed fuel supply system including a fuel transfer tube is configured to be formed in bellows shape at a portion thereof, the fuel transfer tube being variable in accordance with the shape of the fuel tank.

The Examiner acknowledges that the primary reference, Coha, does not disclose that the fuel transfer tube is formed by arranging alternatively a plurality of bellow portions and a plurality of straight portions. Therefore, the Examiner looks to Imaeda's fuel hose 30 in an attempt to make up for this deficiency.

Imaeda's fuel hose 30 includes straight cylindrical circular portions 31 and non-circular portions 34, as well as bellows portions 33. See Imaeda at Fig. 2. However, Imaeda does not suggest that the fuel hose would include bellows portions 33 and be variable in accordance with the shape of the fuel tank.

In fact, if Coha's fuel tank system were modified to use Imaeda's fuel hose 30, it would be difficult to obtain a fuel hose configured to be formed in bellows shape at a portion thereof, said fuel tank being variable in accordance with the shape of the fuel tank without modifying the fuel hose. Because Imaeda's fuel hose 30 includes non-circular portions 34 having ribs, it is difficult to bend the hose at the non-circular portions 34.

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Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1.

In addition, independent claim 10 has been amended to include all of the recitations of dependent claim 11 and the recitation that the fuel transfer tube is configured to be formed in bellows shape at a portion thereof, the fuel transfer tube being variable in accordance with the shape of the fuel tank. Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 10 at least because there is no combination of Coho and Imaeda that would reasonably teach or suggest the claimed fuel transfer tube that is configured to be formed in bellows shape at a portion thereof, the fuel transfer tube being variable in accordance with the shape of the fuel tank, as is discussed above with respect to independent claim 1.

In addition, Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 5, 8, 15 and 16 at least because of their dependency from claim 1 or claim 10.

Claims 2-4 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coho (6,505,644) and Imaeda (2001-0003995), and further in view of Fujiwara (6,257,627).

With respect to dependent claims 2-4 and 12-14, Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 5, 8, 15 and 16 at least because of their dependency from claim 1 or claim 10., and because Fujiwara, which was cited by the Examiner as showing a quick connect fuel fitting, does not cure the deficiencies in the combination of Coho and Imaeda, discussed above with respect to independent claims 1 and 10.


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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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